



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,087	11/02/1999	TAKESHI MISAWA	0879-0242P	9612

7590 06/08/2005

BIRCH STEWART KOLASCH & BIRCH LLP
P O BOX 747
FALLS CHURCH, VA 220400747

EXAMINER

VORTMAN, ANATOLY

ART UNIT PAPER NUMBER

2835

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

M

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

09/432,087

11/02/1999

Takeshi Misawa

0879-0242P

EXAMINER

Vortman, Anatoly

ART UNIT

PAPER

2835

060705

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Response To Request For Supervisory Review

A. Vortman

Anatoly Vortman
Primary Examiner
Art Unit: 2835



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 060605

Birch, Stewart, Kolasch & Birch LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of:

Takeshi Misawa

Serial No.: 09/432087

Filed: November 2, 1999

RESPONSE TO REQUEST
FOR SUPERVISORY REVIEW

The above-identified application has been subject to supervisory review as requested. While it appears that the number of actions for the originally filed application and for the third continuing application filed as an RCE was higher than the average, the status of the current final rejection mailed January 18, 2005 is correct. Specifically, with respect to the Declaration of Prior Invention submitted under 37 C.F.R. § 1.131, the declaration is not proper.

The Declaration is lacking both the dates of the exhibit and actual dates of the acts relied upon to establish diligence as claimed.

While the dates of the exhibit may be removed or blocked off, there is no statement by applicant that such has occurred. The exhibit provided has no evidence of any date and the declaration fails to state that the date has been removed.

With respect to applicant's statement of diligence, mere allegation of diligence is not enough. Applicant must show evidence of facts establishing diligence. Facts, not conclusions, must be alleged. A general allegation that the invention was completed prior to the date of the reference is not sufficient. The declaration by the inventor that his invention was conceived prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 C.F.R. § 1.131.

Telephone inquiries should be directed to Anatoly Vortman at (571) 272-2047.

Lynn D. Feild
Supervisory Patent Examiner
Art Unit 2835